

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

WILLIAM B. FOREST, JR.,  
Plaintiff,

CV. 05-1254-PK

OPINION AND ORDER

v.

FARAWAY VENTURES, INC., a Minnesota  
corporation; VERSATILE CABLING, INC., a  
Washington corporation; LOWELL HOLDEN,  
an individual; ANTHONY PRATHER, an  
individual; and DAVID A. EDWARDS, an  
individual,

Defendants.

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PAPAK, Magistrate Judge:

The court denies as moot defendant Faraway's motions to compel arbitration (#7-1), to dismiss (#7-2), and to stay pending arbitration (#7-3), because plaintiff has stipulated to participate in arbitration with Faraway and has voluntarily dismissed Faraway as a defendant. The court denies Faraway's request for attorney's fees (#15) at this time with leave to refile following arbitration.

The court denies defendants' motion for stay pursuant to 9 U.S.C. § 3 (#6). The court has discretion to stay litigation among non-arbitrating parties pending arbitration. See Moses H. Cone Mem'l Hosp. v. Mercury Constr. Corp., 460 U.S. 1, 21 n.23 (1983) (dictum). Defendants have not shown that proceeding with this litigation would "destroy" Faraway's "right to a meaningful arbitration." Waste Mgmt. Inc. v. Residuos Industriales Multiquim, S.A. de C.V., 372 F.3d 339, 343 (5th Cir. 2004) (explaining reasons for staying litigation as to non-arbitrating parties). The court will work with the parties to resolve discovery disputes if they arise and to limit the scope of discovery if necessary.

IT IS SO ORDERED.

Dated this 27<sup>th</sup> day of October, 2005.

/s/ Paul Papak  
Honorable Paul Papak  
U.S. Magistrate Judge